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CAPITAL ONE BANK (USA), N.A.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YVONNE S. YBARRA,

Plaintiff,

v.

CAPITAL ONE BANK USA, N.A. and
TRANSUNION, LLC;

Defendants.

Case No. 2:18-cv-01578-KJD-VCF

*Assigned to Judge Kent J. Dawson;
Referred to Magistrate Judge Cam
Ferenbach*

**STIPULATION TO EXTEND
TIME TO RESPOND TO
COMPLAINT; [PROPOSED]
ORDER**

(FIRST REQUEST)

*[[Proposed] Order lodged
concurrently herewith]*

Complaint Filed: August 21, 2018
Trial Date: TBA

1 Plaintiff Yvonne Ybarra ("Plaintiff"), by and through her counsel of record,
2 and Defendant Capital One Bank (USA), N.A. ("Capital One"), by and through its
3 counsel of record (collectively, the "Parties"), hereby submit this stipulation to extend
4 Capital One's time to file a responsive pleading to Plaintiff's Complaint by twenty-
5 three (23) days, as follows:

6 **WHEREAS:**

- 7 1. Plaintiff filed the Complaint in this matter on August 21, 2018;
- 8 2. Plaintiff has filed a proof of service indicating that Capital One was
9 personally served on September 10, 2018;
- 10 3. Although Capital One does not concede that service was proper, it will
11 not contest service, as the Parties agree that a brief extension of time for Capital One
12 to file its responsive pleading to the Complaint would benefit both Parties because it
13 will allow them to continue to gather additional facts and information while
14 continuing to devote their resources to exploring the potential for early resolution of
15 this matter before incurring further fees and costs;
- 16 4. The Parties agree the request is made in good faith and not for the
17 purposes of delay;
- 18 5. Capital One and Plaintiff have agreed to extend Capital One's deadline
19 to respond to Plaintiff's Complaint by twenty-three (23) days from September 10,
20 2018 to October 24, 2018.

21 **NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

22 Capital One will file its responsive pleading to Plaintiff's Complaint on or
23 before October 24, 2018.

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25 **IT IS SO STIPULATED.**
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28

1 DATED: October 1, 2018

COGBURN LAW OFFICES

2
3 By: /s/ Erik W. Fox
ERIK W. FOX
4 Attorneys for Plaintiff
YVONNE YBARRA

5
6 DATED: October 1, 2018

FERNALD LAW GROUP LLP

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8 By: /s/ Brandon C. Fernald
BRANDON C. FERNALD
9 Attorneys for Defendant
CAPITAL ONE BANK (USA), N.A.

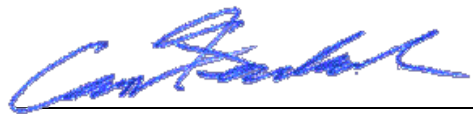
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11
12 **[PROPOSED] ORDER**

13 Having reviewed the foregoing stipulation and for good cause shown, the Court
14 hereby Orders as follows:

15 1. Capital One deadline to file its responsive pleading to Plaintiff's
16 Complaint is extended to October 24, 2018.

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18 **IT IS SO ORDERED.**

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20 Dated: October 3, 2018



21 UNITED STATES MAGISTRATE JUDGE

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CERTIFICATE OF SERVICE

I, Brandon C. Fernald, declare that I am over the age of eighteen years and not a party to this action. I am employed in Clark County, and my business address is: Fernald Law Group LLP, 6236 Laredo Street, Las Vegas, Nevada 89146.

On October 1, 2018, I hereby certify that a true and complete copy of the foregoing documents:

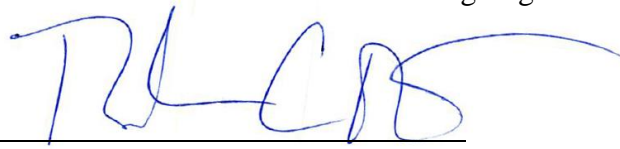
**1. STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT;
[PROPOSED] ORDER (FIRST REQUEST)**

have been served by forwarding said copy on this the 1st day of October 2018 by transmitting via the Court's ECF system to:

Erik- Anthony W. Fox, Esq. Jamie S. Cogburn, Esq. COGBURN LAW OFFICES 2580 St. Rose Parkway, Suite 330 Henderson, NV 89074 Email: efox@cogburnlaw.com jsc@cogburnlaw.com <i>Attorneys for Plaintiff Yvonne S. Ybarra</i>	Jason Revzin, Esq. LEWIS BRISBOIS BISGAARD & SMITH LLP 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89118 Email: jason.revzin@lewisbrisbois.com <i>Attorneys for Defendant Transunion LLC</i>
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I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: October 1, 2018



Brandon C. Fernald